

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

RUDOLFO MEDINA,

Defendant and Appellant.

A147906

(Solano County
Super. Ct. No. FCR314470)

Appellant Rudolfo Medina appealed after his probation was revoked and he was sentenced to three years in state prison. Medina's counsel has asked this court for an independent review of the record under *People v. Wende* (1979) 25 Cal.3d 436 to determine whether there are any arguable issues.

Medina originally was charged in Napa County with two felony drug-possession counts and a misdemeanor count of possession of a stun gun by a felon. He pleaded no contest under a plea agreement to one of the drug counts (possession for sale of a controlled substance, Health & Saf. Code, § 11378) and was placed on probation. Medina later admitted to a violation of probation, and probation was reinstated. After the case was transferred to Solano County, where Medina lived, the probation department reported that Medina had tested positive for controlled substances. Medina's probation was revoked. He later admitted that he failed to maintain contact with the probation department. As part of his admission, he signed a waiver of rights acknowledging that he faced a maximum term of three years, and he also gave up his right to appeal the judgment.

The trial court sentenced Medina on February 25, 2016, to three years in state prison. Medina was ineligible to serve his sentence in county jail under Penal Code section 1170, subdivision (h), because he had suffered a prior conviction for kidnapping. (Pen. Code, §§ 1170, subd. (h)(3), 1192.7, subd. (c)(20).)

We have reviewed the entire record and have found no arguable issues. The judgment is affirmed.

Humes. P.J.

We concur:

Margulies, J.

Dondero, J,

People v. Medina (A147906)